

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

NIGHT BOX
FILED

✓ APR 21 2004

CASE NO. 00-6293-CR-HUCK

CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ALCE,

Defendant.

UNOPPOSED
MOTION TO CONTINUE FINAL REVOCATION HEARING

The defendant, through the undersigned counsel, pursuant to Federal Rule of Criminal Procedure 12, section (b)(2), and pursuant to Local Rule of the United States District Court for the Southern District of Florida 88.9, 7.1., section A.1.(g), and 7.6 requests the issuance of an order continuing the Final Revocation Hearing date. The grounds for this motion are:

1. The defendant began serving three years of Supervised Release on June 26, 2003.
2. On October 23, 2003, a Petition For Summons was requested by United States Probation Officer Torres. This petition alleged four violations of standard conditions of Supervised Release. The violations stem from an arrest of Mr. Alce for possession of cocaine.
3. On December 17, 2003, Mr. Alce appeared in court and was released on a stipulated \$10,000.00 personal surety bond.

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✓/pt

4. This matter is presently scheduled for a Final Revocation Hearing on April 28, 2004.
5. The underlying State case is presently set for the two-week period of May 24, 2004 and May 30, 2004.
6. The undersigned counsel has contacted Assistant United States Attorney Lynn Rosenthal and United States Probation Officer Albert Torres and informed them of this motion.
7. Both Ms. Rosenthal and Mr. Torres stated that they had no objection to this motion.
8. Undersigned counsel hereby certifies that this motion is done in good faith, for the purpose stated herein and not for the purpose of delay.

WHEREFORE, the defendant, through undersigned counsel, moves this court for the entry of an order continuing the hearing date.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By: 

Michael Spivack
Assistant Federal Public Defender
Florida Bar No. 0508969
150 West Flagler Street
Suite 1700
Miami, Florida 33130
Telephone: (305) 530-7000
Facsimile : (305) 536-4559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has mailed to Lynn Rosenthal, Esq., Assistant United States Attorney, 500 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida, 33394, and to Albert Torres, United States Probation Officer, 6100 Hollywood Boulevard, Suite 501, Hollywood, Florida 33024 this 21st day of April, 2004.

By: 
Michael Spivack

FAXBACK SERVICE LIST

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Counsel for the Government

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United States Probation Officer
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Hollywood, Florida 33024
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Fax: (954)769-5596

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MIAMI DIVISION

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Plaintiff,

vs.

JAMES ALCE,

Defendant.

AFFIDAVIT

STATE OF FLORIDA)
ss
COUNTY OF MIAMI-DADE)

Before me this day personally appeared Michael Spivack who first duly sworn deposes and states:

1. The defendant began serving three years of Supervised Release on June 26, 2003.
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8. Undersigned counsel hereby certifies that this motion is done in good faith, for the purpose stated herein and not for the purpose of delay.



Michael Spivack

The foregoing instrument was acknowledged before me this 21st day of April, 2004 by

Michael Spivack.

Personally known ()
Produced identification () _____

My commission expires:

Notary Public
State of Florida

